

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ARLYN J. EASTMAN, Personal
Representative of the Estate of the
Deceased, and LINO LOWELL
SPOTTED ELK JR., Deceased,

Plaintiff,

V.

COUNTY OF SHERIDAN, a Nebraska
Political Subdivision, LEVI MCKILLET,
in his Individual and Official Capacity,
and DOES 1-5, in Their Individual and
Official Capacities,

Defendants.

7:07CV5004

ORDER

This matter is before the court on the defendants' motion to dismiss plaintiff's fourth amended complaint, Filing No. 65. Defendants seek dismissal of the complaint for failure to comply with previous orders regarding allegations of punitive damages against Sheridan County and its employees in their official capacities. The court has reviewed the fourth amended complaint and finds that it substantially complies with the court's previous orders. Accordingly, defendants' motion will be denied.

THEREFORE, IT IS ORDERED that defendants' motion to dismiss, Filing No. 65, is denied.

DATED this 25th day of April, 2008.

BY THE COURT:

s/ Joseph F. Bataillon
Chief District Court Judge